

**UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF WISCONSIN**

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**KEVIN KIRSCH,**

**Plaintiff,**

**v.**

**Case No. 08-C-913**

**RACINE COUNTY SHERIFF,  
DEPUTY BILLINGS,  
JOHN DOE, Sued as Deputy Sheriff Lieutenant,  
JOHN DOE, Sued as Deputy Sheriff,  
JANE DOES, Sued as Deputy Sheriffs #2 and #3,  
JANE DOES, Sued as Nurses #1 and #2,  
and JOHN DOES, Sued as Doctor,**

**Defendants,**

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**ORDER**

On November 11, 2008, I granted plaintiff's motion for a temporary restraining order and thereby ordered the Racine County Sheriff to ensure that his agents dispensed methadone to plaintiff in accordance with his prescription while detained in the Racine County Jail unless a physician reasonably determined that there were medical reasons for withholding such medication. At a telephonic status conference held in this case on November 19, 2008, plaintiff stated that he is currently detained at the Racine County Jail and receiving his prescribed methadone medication.

Pursuant to further discussion at the status conference, several defendants and claims will be dismissed without prejudice. Also, counsel for the remaining defendants will inform the court on or before November 26, 2008, whether formal service of process will be

required. If not required, those defendants will file a responsive pleading by January 9, 2009, after which time the court will issue a Scheduling Order.

**IT IS THEREFORE ORDERED** that defendants Racine County Sheriff, Deputy Billings, John Doe sued as Deputy Sheriff Lieutenant, John Doe sued as Deputy Sheriff, and Jane Does sue as Deputy Sheriffs #2 and #3 are dismissed without prejudice.

**IT IS FURTHER ORDERED** that plaintiff's claim under the Americans with Disabilities Act and his claim based on inability to communicate confidentially with his attorney are dismissed without prejudice.

**IT IS FURTHER ORDERED** that counsel for the remaining defendants will inform the court on or before **November 26, 2008**, whether formal service of process will be required. If not required, those defendants will file a responsive pleading by **January 9, 2009**.

Dated at Milwaukee, Wisconsin, this 20 day of November, 2008.

/s Lynn Adelman  
District Judge